

Appl. No. 10/089,135
Amdt. Dated 07/28/2005
Reply to Office Communication of 07/13/2005

Claim Count

Claims 25, 27-34, 36-38, a total of 12 claims, one independent.

Claims 49-56 total 8 claims, one independent.

The total is 20 claims, 2 independent.

REMARKS

The undersigned Attorney had a telephone conference with Examiner Johnstone regarding the referenced application on July 28, 2005 regarding the referenced application. The contents of the conference are incorporated in the Amendment to the claims and the remarks below.

The Office Action indicated that "This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1:

Group I, claim(s) 25, 27-34, 36-38, and 49-56, drawn to a combination of the elected tire with the patch mounted thereon and an electronic tag.

Group II, claim(s) 25-38 as examined in the Office action mailed July 1, 2004, drawn to the elected tire with the patch mounted thereon.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the subject matter common to both groups does not distinguish over the prior art (paragraph 9 of the Office action mailed July 1, 2004) and therefore cannot serve as a common special technical feature.

3. The amendment filed on February 8, 2005 changing all claims previously drawn to the elected invention into claims drawn to a non-elected invention and newly presenting only claims drawn to a non-elected invention is non-responsive (MPEP ~ 821.03). The remaining claims are not readable on the elected invention because of the reasons set forth above."

Claim 25 has been amended to read on the elected pneumatic tire invention. Accordingly, the examiner should be able to determine the appropriate action to take with respect to the claims.

Claims 30-33 have been amended to clearly define the invention.

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Conclusion

In view of the examiner's restriction requirement, applicant retains the right to present the non-elected claims in a divisional application.

Favorable examination and consideration are respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on July 28, 2005.

Name of Person Signing Certificate : Howard M. Cohn

Signature



Date of Person signing

: July 28, 2005